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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,505	07/20/2001	Gilson Woo		4913

7590 08/08/2003
GILSON WOO
19708 BALAN ROAD
ROWLAND HEIGHTS, CA 91748

EXAMINER

VENIAMINOV, NIKITA R

ART UNIT	PAPER NUMBER
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3736

DATE MAILED: 08/08/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/909,505

Applicant(s)

WOO, GILSON

Examiner

Nikita R Veniaminov

Art Unit

3736

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED on July 18, 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-32.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Robert S. Mason
ROBERT S. MASON
PRIMARY EXAMINER

Continuation of 5. Applicant argues that "the treating regions utilized in the present invention are based on the same principle and same application of balance treatment using the same Oriental Medical Theory including the Hand/Finger Acupuncture Meridian System utilized in Woo ('569) ... for utilizing the 3 sub regions of the body trunk in balance" (see Remarks, page 2).

Further, Applicant argues that "according to the Oriental medicine and present invention, the method of magnetic clothing of Lopez et al. ('046) is based on incomplete structure of the Shiatsu massage meridians, thus basically lack of 4 essential elements for treating human body in terms of meridian energy flow balance and therapeutical effect..." (see Remarks on page 10).

In response to Applicant's arguments that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., see Applicant's Response on pages 1-21) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that "modifying the method of treating of Lopez et al. ('046) by the method of Woo ('569), and modifying the magnets of Lopez et al. ('046) to use magnets having a size ... is to be incorrect and inappropriate..." (see Remarks on pages 16-17).

Also, Applicant argues about changes in size and magnets power and flux (see Remarks on page 20).

Examiner states that in this case, claims 1-32 are unpatentable over Lopez et al. (US 5,720,046) in view of Woo (US 5,529,569) as was indicated in the Office Action of paper # 8, since Lopez et al. ('046) and Woo ('569) teach the same method steps, like "designating at least three treating regions of the trunk..." etc.; the use of total flux for the holistic magnetic therapy was disclosed by Woo ('569).

Finally, Applicant argues that the priority date of the claimed invention is June 25, 1996 (see Remarks on pages 20-21).

Examiner states that the priority date of the present Application, which is a Continuation in Part of an Application Number 08/939429, which is now abandoned, is September 26, 1997.